

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (U 338-E) For Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2003, And to Reflect That Increase in Rates.

Application 02-05-004  
(Filed May 3, 2002)

Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Edison Company.

Investigation 02-06-002  
(Filed June 6, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
STRIKING AND PROVIDING FOR REILING OF SCE'S OPENING BRIEF,  
ACCEPTING LATE-FILED SECTION OF TURN'S BRIEF, AND ADOPTING  
REVISED BRIEFING SCHEDULE**

On April 18, 2003 Southern California Edison Company (SCE) filed an opening brief of extraordinary and possibly unprecedented length. Including an appendix of 137 pages, SCE's opening brief consists of seven volumes and a total of 856 pages. Even though no prescribed page limit was in effect, and even though the scope of issues to be addressed is broad,<sup>1</sup> SCE's opening brief is

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<sup>1</sup> As one indication of the broad scope of this proceeding, the briefing outline attached to the March 11, 2003 *Administrative Law Judge's Ruling on Post-Hearing Procedures* provides for a total 16 separate sections and numerous subsections. Also, SCE indicates that its showing in this case is "the most comprehensive showing SCE has ever made." (SCE Opening Brief, Volume 1, p. 1.)

nevertheless unnecessarily and unreasonably long. A brief of such length is unfair to parties who must reply within a limited time, and undermines the decisionmaking process, including the objective of a timely decision. SCE's choice to file an 856-page brief is an unacceptable litigation practice that requires corrective action. The brief will therefore be stricken, and provision will be made for the filing of a brief of acceptable length.

SCE is directed to refile its brief subject to a maximum page limit of 300 pages. While this is a substantial reduction to the length of SCE's brief as filed on April 18, 2003, it is still nearly twice the number of pages of the Office of Ratepayer Advocates' (ORA) opening brief (154 pages) and more than a third more pages than the Utility Reform Network's (TURN) opening brief (two volumes and 220 pages total).<sup>2</sup>

SCE should meet this page limit by removing material it deems to be less important than material it decides to retain in its brief. No new material may be included except for minor, nonsubstantive editorial changes that may be necessary and appropriate. SCE should not attempt to meet the page limit by reducing font size, line spacing, or margins. The subject index, table of authorities, and summary of recommendations required under Rule 75 of the Rules of Practice and Procedure will not count against this limit, nor will the glossary of acronyms required by the March 11, 2003 ruling. To the extent, if any, that exhibits are reproduced in an appendix as permitted under Rule 75, those pages of any appendix will not count against the page limit. However,

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<sup>2</sup> Apart from SCE, ORA and TURN addressed the broadest range of issues in this proceeding. No other party's brief exceeded 40 pages.

since many if not most exhibits are readily available in electronic as well as paper form, it is probably not helpful in most circumstances to reproduce exhibits.

On April 21, 2003 TURN filed a motion for late acceptance of Section 4.5 of its opening brief. TURN explains that an inadvertent error occurred during the production of its brief. No response to the motion has been filed. Good cause appearing, the motion will be granted.

The briefing schedule is revised as follows: SCE's opening brief shall be filed and served on May 14, 2003. Concurrent reply briefs are due May 28, 2003.

The Commission remains committed to the objective of a timely decision. Due to uncertainty caused by SCE's filing of an 856-page brief, the schedule for the proposed decision, comments, replies, oral argument, and final decision will be addressed at a future date.

**IT IS RULED** that:

1. The seven-volume opening brief filed by Southern California Edison Company (SCE) on April 18, 2003 is stricken.
2. On May 14, 2003, SCE shall file its opening brief in accordance with the maximum page limitation set forth in the foregoing discussion.
3. The motion of the Utility Reform Network to accept Section 4.5 of its opening brief one day late is granted.
4. Concurrent reply briefs are due on May 28, 2003.

Dated April 30, 2003, at San Francisco, California.

/s/ MARK S. WETZELL

Mark S. Wetzell

Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Striking and Providing for Refiling of SCE's Opening Brief, Accepting Late-Filed Section of TURN's Brief, and Adopting Revised Briefing Schedule on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated April 30, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.